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### REMARKS

#### **I. Rejections under 35 USC §102**

Claims 1-8, 11-13, 15-16, 23-26 and 30 were rejected as being anticipated by Mulier et al. (US 5,431,649). Mulier discloses an ablation catheter with a hollow needle, helical electrode connected to a source of RF power to ablate the tissue adjacent the electrode. A conductive fluid is injected through the needle electrode to cool the adjacent tissue and increase the conductivity of the tissue in the area of the electrode.

Claims 1 and 23 are independent claims and have been amended to recite an electrode at the distal end of the elongated body adapted for pacing myocardial tissue via intimate contact with a surface of the electrode, the electrode including, *inter alia*, an insulative housing including a closed cavity and an ionically conductive medium filling the cavity in intimate contact with the electrode surface. Mulier fails to disclose this structure. The RF ablation catheter of Mulier does not have a pacing electrode. Nor does Mulier have a closed cavity filled with an ionically conductive medium.

Claims 1 and 23, as well as the claims dependent from them are distinguishable over Mulier.

Claims 1-8, 11-13, 16-18, 20-21, 23-26, 31-32 and 34-35 were rejected as being anticipated by Peterfeso et al. (US 6,298,272). Peterfeso discloses an implantable cardiac lead. The rejection relies upon Fig. 2A (see O.A. at p. 6). Specifically, the contention is made that the limitation in independent claims 1 and 23 of a cavity filled with a conductive medium is met by the base and piston assembly. Claims 1 and 23 have been amended to specify that the ionically conductive medium filling the cavity is a fluid. Accordingly, claims 1 and 23, as well as the claims dependent from them are distinguishable over Peterfeso.

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## II. Rejections under 35 USC §103

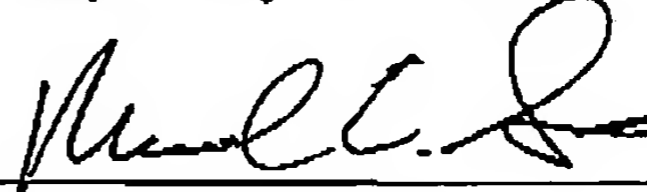
Various dependent claims to claims 1 and 23 were rejected as being unpatentable for obviousness based upon Mulier and Peterfeso as applied in rejecting the independent claims for anticipation. As discussed above, Mulier and Peterfeso fail to disclose significant limitations of amended independent claims 1 and 23, and thus the dependent claims rejected for obviousness. Accordingly, the obviousness rejections set forth in the office action necessarily also fail.

## III. Conclusion

In view of the amendments to the independent claims and the remarks above, Applicant submits that all claims distinguish over the prior art and are non-obvious. Applicant respectfully requests that a notice of allowance be issued in due course.

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Date

Respectfully submitted,

  
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